

Labor

PUBLIC 547 An Act To Amend the Random Drug Testing Laws

LD 1760

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO MARTIN	OTP-AM	H-711

Public Law 2003, chapter 547 amends the State's workplace substance abuse testing laws to provide employers of 50 or more nonunionized employees a 3rd option for establishing a random or arbitrary substance abuse testing program. Under current law, random or arbitrary testing programs may be imposed only on persons in safety-sensitive positions or pursuant to a collective bargaining agreement. This law allows certain employers a 3rd option: a random or arbitrary substance abuse testing program that applies to all employees, regardless of position. Unionized employees are included in such a testing program only if inclusion is part of their collective bargaining agreement. Employers are required to form an employee committee to write the policies regarding this type of testing program. Selection of individuals to be tested must be made by an entity independent from employer influence.

PUBLIC 608 An Act To Promote Decision Making Within the Workers' EMERGENCY Compensation Board

LD 1909

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS TREADWELL	OTP-AM	S-458

Public Law 2003, chapter 608 amends the structure of the Workers' Compensation Board. Under current law, the board has 8 members – 4 representing labor and 4 representing management. PL 2003, chapter 608 provides for a 7-member board – 3 representing labor, 3 representing management and the Executive Director of the Board. The Executive Director of the Board will be appointed by the Governor, subject to confirmation by the Legislature and will serve at the pleasure of the Governor. Under current law, the Workers' Compensation Board appoints the Executive Director. The law provides for transition from the current board structure to the new structure. This law was enacted as an emergency measure effective April 8, 2004.

PUBLIC 616 An Act To Promote Safety and Fair Labor Practices for Forestry LD 1380 Workers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH EDMONDS	OTP-AM	H-810

Public Law 2003, chapter 616 requires employers to provide safe transportation of certain forestry workers from their lodgings to their work sites, at no cost to the workers. The law applies to workers engaged on a temporary

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or seasonal basis to perform reforestation activities, such as clearing brush and thinning and planting trees. The transportation must meet the standards provided in the federal Migrant and Seasonal Agricultural Worker Protection Act, as well as additional standards, including a requirement for seat belts, first aid kits and emergency communication equipment. It limits the amount of time a worker can drive, prohibits use of vehicles other than buses that carry more than 11 persons, and prohibits attachment of equipment that interferes with operation of the vehicle.

Public Law 2003, chapter 616 prohibits discrimination or retaliation against any person who exercises the rights or protections provided by the new law or who files a complaint or participates in a proceeding under the law. It provides for civil penalties of up to \$1,000 per violation, enforceable by the Attorney General.

Public Law 2003, chapter 616 also requires the forestry industry to report on a safety program to the joint standing committee of the Legislature having jurisdiction over labor matters. Finally, it requires the Commissioner of Labor to convene a working group of interested persons to develop a system of collecting and reporting data for the purpose of improving the safety of forestry workers.

PUBLIC 624 An Act To Clarify the Severance Pay Law LD 1733

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK DAVIS P	OTP-AM	H-815

Public Law 2003, chapter 624 clarifies that severance pay liability imposed by state law is mitigated when a person is entitled to severance pay under a collective bargaining agreement or other contract only if the contractual severance pay has actually been paid.

PUBLIC 630 An Act To Amend the Laws Concerning Optional Membership for LD 1810 Participating Local Districts in the Maine State Retirement System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS	OTP-AM	H-790 H-818 SMITH W

Public Law 2003, chapter 630 amends the laws concerning the purchase of service credit by employees whose membership in the Maine State Retirement System (MSRS) is optional (“optional employees”), to remove limitations on such purchases. It gives optional employees of participating local districts (PLDs) the same rights as other optional employees to purchase credit for the time during which they elected not to join the MSRS. The PLD employee will be required to pay the full actuarial cost of the additional service credit, except in specified circumstances.

Public Law 2003, chapter 630 also clarifies that optional employees who are teachers, state employees or PLD employees who withdraw from the MSRS may withdraw their accumulated contributions, regardless of whether

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they have terminated employment. If those members later rejoin the Maine State Retirement System, they may repurchase service credit by repaying their accumulated contributions plus interest. Chapter 630 deletes the current 2-year waiting period before persons may repay withdrawn contributions.

PUBLIC 632 An Act To Protect the Privacy of Home Information of Maine State LD 1687 Retirement System Members, Benefit Recipients and Staff

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-442

Public Law 2003, chapter 632 provides that records in the possession of the Maine State Retirement System containing home contact information, such as home addresses and telephone numbers, of its members, benefit recipients and staff are confidential and not subject to disclosure as a public record, except that home contact information of a member or benefit recipient may be disclosed if the member or benefit recipient signs a confidentiality waiver.

PUBLIC 670 An Act To Promote the Public Interest by Providing for Reasonable LD 1318 Rates of Compensation for Forest Products Harvesting and Hauling Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W	OTP-AM MAJ	H-848
MARTIN	ONTP MIN	H-864 SMITH W

Public Law 2003, chapter 670 establishes a process by which a state panel, upon petition, sets rates of compensation for harvesting and hauling services provided under contract on certain forestlands in the State. The rate-setting procedure applies only to services performed on lands owned by entities that own or control more than 400,000 acres of forest land in a labor market area. (See also, LD 1964, PL chapter 674 which further limits application of the law)

Chapter 670 sets forth legislative findings to support the need for the State to displace existing market forces in such situations, where overwhelming market power of such landowners results in the absence of a sufficiently competitive market.

A forest landowner subject to the law, or a group of 3 or more harvester or haulers may begin a rate-setting process by filing a petition with the forestry rate proceeding panel created in the law. The panel is established under the State Board of Arbitration and Conciliation, and consists of 3 members: one neutral member who is a representative of the public on the State Board of Arbitration and Conciliation, one member representing the interests of forest landowners and one member representing the interests of harvesters and haulers. Members are appointed by the Governor. The cost of panel proceedings will be borne equally by parties to the rate-setting process. Panel decisions are subject to judicial review in the same manner as for other final agency actions. The law sets forth a list of factors for the panel to consider in setting rates, e.g., the impact of the rates on the

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competitive position of the landowner, harvester and hauler expenses, fair rates of return on investment, species of tree and method of harvesting, and environmental laws.

The law authorizes harvesters and haulers to form associations to participate in the rate determination proceedings. Those associations may also negotiate with forest landowners prior to the rate determination proceeding, but any tentative agreement reached in those negotiations must be reviewed and approved by the rate-setting panel.

PUBLIC 674 An Act To Protect Forest Products, Loggers and Haulers LD 1964

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W MARTIN		

Public Law 2003, chapter 674 limits the applicability of the rate-setting process for forest products harvesting and hauling services created by Public Law 2003, chapter 670. (See LD 1318, PL 2003, chapter 670). The law will apply to forest landowners who own or control more than 400,000 acres in a labor market area only if the acreage owned by that landowner constitutes more than 30% of the total land area in that labor market area. It also clarifies that the term "person" in the rate-setting law includes all forms of business organization.

PUBLIC 675 An Act Concerning Disability Retirement Benefits under the Maine State Retirement System LD 1814

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM	H-710

Public Law 2003, chapter 675 amends the law regarding disability retirement benefits for the state and teacher retirement plan and the participating local district plan of the Maine State Retirement System. It provides that, after receipt of benefits for 5 years, disability retirement benefits are discontinued if the person has the ability to perform work resulting in the greater of \$20,000 per year or 80% of the person's average final compensation, adjusted for increases in the cost of living. Currently, such benefits are discontinued when the person is able to earn the 80% amount, even if that amount is less than \$20,000.

PUBLIC 685 An Act To Clarify the Law Regarding Interpreting Services for People Who Are Deaf or Hard-of-hearing LD 1688

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS NORBERT	OTP-AM	S-430

Public Law 2003, chapter 685 clarifies the requirement for courts and governmental agencies to provide qualified legal interpreters for persons who are deaf or hard-of-hearing, when the personal or property interest of the deaf or hard-of-hearing person is at issue in a court or agency proceeding. It requires the presiding officer of the legal proceeding to appoint qualified legal interpreters to meet the needs of the deaf or hard-of-hearing person, sets forth the standards for an interpreter to be considered qualified to interpret in legal settings and requires the court or agency to pay the costs of the interpreter. It also makes confidential certain communications between a legal interpreter and the interpreter's client, and requires the interpreter to take an oath regarding true interpretation of communications. The law requires the Bureau of Rehabilitation Services within the Department of Labor to maintain a list of qualified legal interpreters.

PUBLIC 693 An Act To Amend the Laws Governing Purchase of Military Time LD 1836 Served under the Maine State Retirement System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY G STANLEY	OTP-AM	H-839

Public Law 2003, chapter 693 clarifies and amends the law setting forth the cost of purchasing retirement service credit for periods of military service prior to a person becoming a member of the Maine State Retirement System. It expands the list of persons who can purchase service credit at a subsidized rate (lower than the actuarial cost) to include persons who received certain types of combat awards, regardless of whether the person served during a "period of federally recognized conflict," such as the Vietnam War or the Gulf War. Such award recipients may purchase service credit under the new provision only if funds have been appropriated to the MSRS to cover the cost of the subsidy. The law requires the MSRS to report annually to the Legislature on the funds needed to subsidize purchases for persons who applied under the new provision in the prior calendar year.

PUBLIC 697 An Act To Increase Maine's Minimum Wage LD 673

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH PATRICK	OTP-AM MAJ ONTP MIN	S-359 S-491 HATCH PH S-563 CATHCART

Public Law 2003, chapter 697 increases the state minimum wage from \$6.25 per hour to \$6.35 per hour beginning October 1, 2004 and \$6.50 per hour beginning October 1, 2005.

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PUBLIC 699 An Act To Establish the Maine Jobs, Trade and Democracy Act LD 1815

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM MAJ	H-783
EDMONDS	OTP-AM MIN	H-801 SMITH W

Public Law 2003, chapter 699 creates the Citizen Trade Policy Commission, a 22-member commission to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environments, to receive public comment on impacts and to make policy recommendations regarding such impacts.

P & S 34 An Act To Establish the Administrative Operating Budget for the LD 1656 EMERGENCY Maine State Retirement System for the Fiscal Year Ending June 30, 2005

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-665

Private and Special Law 2003, chapter 34 allocates \$9,959,245 for administrative operating expenses for the Maine State Retirement System for fiscal year 2004-05. MSRS operating costs are paid for through contributions from the General Fund, non-General Fund accounts and Participating Local Districts such as municipalities. P&SL 2003, chapter 34 also approves collective bargaining agreements between the MSRS and 3 bargaining units of the Maine State Employees Association for the period November 1, 2003 to October 30, 2006.

RESOLVE 106 Resolve, Directing the Department of Labor and the Department of LD 1792 Behavioral and Developmental Services, Office of Substance Abuse To Study the Prevalence of Drug and Substance Abuse

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP MAJ	
EDMONDS	ONTP MIN	

Resolves 2003, chapter 106 directs the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse to conduct a study to determine the extent of drug, alcohol and substance abuse among the adult population of this State and report back to the Legislature no later than November 3, 2004.

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RESOLVE 111 Resolve, Directing the Department of Labor to Collect Certain Data LD 880 Involving Retirees Receiving Social Security or Other Pensions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ	H-633
EDMONDS	ONTP MIN	H-715 HUTTON

Resolve 2003, chapter 111 directs the Department of Labor to collect data on the number of persons who are affected by the so-called “pension offset” against unemployment benefits, i.e., the reduction of unemployment benefits for a person who receives Social Security benefits or certain other pensions or annuities. The Resolve requires the Department to report the data to the Joint Standing Committee on Labor by November 30, 2004.